

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION

AARON TREMELL HILL, SR.,
Plaintiff,

v.

CITY OF MONAHANS, et. al,
Defendants.



P:24-CV-00012-DC

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the report and recommendation of United States Magistrate David B. Fannin [Doc. 29] concerning Plaintiff's *pro se* Motion for Leave to File Plaintiff's First Amended Complaint [Doc. 15], Defendants' Notice of Assertion of Qualified Immunity and Motion for Order Limiting Discovery [Doc. 4], and Defendants' Motion to Dismiss for Lack of Personal Jurisdiction, Insufficient Process, or, alternatively, Failure to State a Claim [Doc. 26].

In his report and recommendation, Magistrate Judge Fannin recommends that Plaintiff's Motion for Leave to Amend be denied because Plaintiff yet again failed to serve his Complaint, which was filed without leave of Court. As a result, Judge Fannin also recommends denying the Defendants' Motion to Dismiss and Motion to Limit Discovery—both filed as a precaution—as moot. If adopted, the outcome would be this: Plaintiff's claims under Title II of the Civil Rights Act and the Texas Penal Code would be dismissed with prejudice. His remaining claims against the City of Monahans and the Government Official Defendants would be dismissed without prejudice.

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and

recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation [Doc. 30], the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate David B. Fannin [Doc. 29] is **ADOPTED**. Plaintiff's Motion for Leave to Amend [Doc. 15] is therefore **DENIED**. Defendants' Motion for an Order Limiting Discovery and the Motion to Dismiss [Docs. 4 and 26] are **DENIED AS MOOT**.

Plaintiff's claims under Title II of the Civil Rights Act and the Texas Penal Code are **DISMISSED WITH PREJUDICE**. Plaintiff's remaining claims against the City of Monahans and the Government Official Defendants are **DISMISSED WITHOUT PREJUDICE**.

It is so **ORDERED**.

SIGNED this 28th day of July, 2025.

A handwritten signature in black ink, appearing to read "David Counts", with a stylized star-like flourish at the end.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE